

Senate Engrossed

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 16

SENATE BILL 1147

AN ACT

AMENDING SECTION 36-3701, ARIZONA REVISED STATUTES; RELATING TO SEXUALLY
VIOLENT PERSONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-3701, Arizona Revised Statutes, is amended to
3 read:

4 36-3701. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Agency" means any agency that is authorized to direct the release
7 of a person who is serving a sentence or term of confinement or who is
8 receiving treatment, including a state or federal prison, a county jail and
9 the Arizona state hospital.

10 2. "Competent professional" means a person who is:

11 (a) Familiar with the state's sexually violent persons statutes and
12 sexual offender treatment programs available in this state.

13 (b) Approved by the superior court as meeting court approved
14 guidelines.

15 3. "Conviction" includes a finding of guilt at any time for a sexually
16 violent offense or an order of the juvenile court adjudicating the person
17 delinquent for any sexually violent offense.

18 4. "Less restrictive alternative" means court ordered treatment in a
19 setting that is less restrictive than total confinement and that is conducted
20 in a setting approved by the superintendent of the state hospital.

21 5. "Mental disorder" means a paraphilia, personality disorder or
22 conduct disorder or any combination of paraphilia, personality disorder and
23 conduct disorder that predisposes a person to commit sexual acts to such a
24 degree as to render the person a danger to the health and safety of others.

25 6. "Sexually violent offense" means any of the following:

26 (a) Indecent exposure to a person who is under fifteen years of age
27 pursuant to section 13-1402, public sexual indecency to a minor pursuant to
28 section 13-1403, sexual conduct with a minor pursuant to section 13-1405,
29 sexual assault pursuant to section 13-1406, molestation of a child pursuant
30 to section 13-1410, continuous sexual abuse of a child pursuant to section
31 13-1417 or sexual assault of a spouse if the offense was committed before
32 August 12, 2005.

33 (b) Second degree murder pursuant to section 13-1104, first degree
34 murder pursuant to section 13-1105, assault pursuant to section 13-1203,
35 aggravated assault pursuant to section 13-1204, unlawful imprisonment
36 pursuant to section 13-1303, kidnapping pursuant to section 13-1304 or
37 burglary in the first degree pursuant to section 13-1508 if the court at the
38 time of sentencing or civil commitment proceedings determines beyond a
39 reasonable doubt that the act was sexually motivated pursuant to section
40 13-118.

41 (c) An attempt, a solicitation, a facilitation or a conspiracy to
42 commit an offense listed in subdivision (a) or (b) of this paragraph.

43 (d) An act committed in another jurisdiction that if committed in this
44 state would be a sexually violent offense listed in subdivision (a), or (b)
45 OR (c) of this paragraph.

1 (e) A conviction for a felony offense that was in effect before
2 September 1, 1978 and that if committed on or after September 1, 1978 would
3 be comparable to a sexually violent offense listed in subdivision (a) or (b)
4 of this paragraph.

5 7. "Sexually violent person" means a person to whom both of the
6 following apply:

7 (a) Has ever been convicted of or found guilty but insane of a
8 sexually violent offense or was charged with a sexually violent offense and
9 was determined incompetent to stand trial.

10 (b) Has a mental disorder that makes the person likely to engage in
11 acts of sexual violence.

APPROVED BY THE GOVERNOR MARCH 13, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 13, 2012.

Passed the House March 8, 2012,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 2, 2012,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

9th day of March, 2012,

at 8:33 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 13th day of

March, 2012

at 10:12 o'clock A M.

[Signature]
Governor of Arizona

S.B. 1147

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13th day of March, 2012,

at 3:16 o'clock P M.

[Signature]
Secretary of State